

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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IN RE: PHARMACEUTICAL INDUSTRY ) MDL NO. 1456  
AVERAGE WHOLESALE PRICE )  
LITIGATION ) CIVIL ACTION NO. 01-CV-12257-PBS  

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THIS DOCUMENT RELATES TO ) Judge Patti B. Saris  
ALL CONSOLIDATED PRIVATE CLASS )  
ACTIONS )

**FUJISAWA'S OPPOSITION TO PLAINTIFFS' MOTION FOR LEAVE TO FILE AN  
AMENDED COMPLAINT**

Fujisawa USA, Inc. and Fujisawa HealthCare, Inc. (collectively, "Fujisawa") hereby joins in Aventis Pharmaceuticals Inc.'s Opposition to Plaintiff's Motion for Leave to File an Amended Complaint (the "Motion for Leave to Amend"). In support of this Opposition, Fujisawa states as follows:

1. Plaintiffs did not confer with counsel for Fujisawa prior to filing their Motion for Leave to Amend.
2. Plaintiffs failed to send to Fujisawa the demand letter required by M.G.L. ch. 93A sec.9(3) until July 10, 2006.
3. To the extent that Plaintiffs' Motion for Leave, if allowed, would impact the M.G.L. ch. 93A sec. 9 claims against Fujisawa, for the reasons set forth in Aventis' Opposition, Plaintiffs' motion for Leave to File an Amended Complaint should be denied.

## CONCLUSION

For the foregoing reasons, as well as those set forth in Aventis Pharmaceuticals Inc.'s Opposition to Plaintiff's Motion for Leave to File an Amended Complaint, Fujisawa respectfully requests the Court deny Plaintiffs' Motion For Leave To File An Amended Complaint.

Respectfully Submitted,

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Attorneys for Defendants Fujisawa USA, Inc. and Fujisawa Healthcare, Inc.

Dated: July 31, 2006

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of Fujisawa Healthcare, Inc.'s and Fujisawa USA, Inc.'s Opposition To Plaintiffs' Motion For Leave to File An Amended Complaint was delivered to all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending, on July 31, 2006, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Andrew L. Hurst

Andrew L. Hurst